

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LABORERS' PENSION FUND, et al.,)	
Plaintiffs,)	
)	Case No. 07 C 7097
v.)	
)	Judge MANNING
THE ROMAN GROUP, INC., an Illinois)	
corporation, FRIENDSHIP JANITORIAL)	
SERVICES, INC., an Illinois corporation, and)	
RANDALL L. GIRTON, individually,)	
Defendants.)	

PLAINTIFFS' MOTION FOR RULE TO SHOW CAUSE

NOW COME Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds (hereinafter the "Funds"), by and through their attorney, Patrick T. Wallace, and hereby move this Court to enter an Order directing Defendants The Roman Group, Inc. ("Roman Group"), Friendship Janitorial Services, Inc. ("Friendship"), and Randall L. Girton ("Girton") to appear and show cause why they should not be held in contempt of this Court for failing to comply with the Court's April 11, 2008 Order. In support of this Motion, Plaintiffs state as follows:

1. On April 22, 2008, this Court entered an Order *nunc pro tunc* to April 11, 2008 entering default judgment in favor of Plaintiffs and against Defendants' Roman Group and Friendship in the amount of \$95,240.01 on Counts I and II pursuant to Fed. R. Civ. P. 54(b). The Court also directed Defendants Roman Group, Friendship and Girton to obtain and maintain a surety bond in accordance with the terms of the collective bargaining agreement, to submit current benefit and dues reports for the period of August 2007 forward and to submit the

corporate Defendants' books and records to the Funds for an audit for the period of January 1, 2007 forward. See April 11, 2008 Order, ¶¶ 5 and 6.

2. Plaintiffs' counsel forwarded a copy of the Court's Order on April 24, 2008 to the Registered Agent of Roman Group and Friendship and to Mr. Girton demanding compliance with the Court's Order. A true and accurate copy of Plaintiffs' April 24, 2008 letter is attached hereto as Exhibit A.

3. To date, Defendant have failed to comply with the Court's Order. Accordingly, Plaintiffs respectfully request that this Court enter an Order directing Defendants Roman Group, Friendship, and Girton to appear and show cause why they should not be held in contempt for failing to comply with the Court's April 11, 2008 Order. Plaintiffs further request that they be awarded their attorneys' fees and expenses incurred in bringing this Motion.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order directing Defendants The Roman Group, Inc., Friendship Janitorial Services, Inc., and Randall L. Girton to appear and show cause why they should not be held in contempt for failing to obtain and maintain a surety bond, submit and pay current benefit and dues reports and contributions for the period of August 2007 forward and submit the Companies' books and records to an audit for the period of January 1, 2007 forward. Plaintiffs further request that this Court award them their attorneys' fees and expenses incurred in bringing this Motion.

May 15, 2008

Respectfully submitted,

Laborers' Pension Funds, et al.,

By: /s/ Patrick T. Wallace

Office of Fund Counsel
111 W. Jackson Blvd., Suite 1415
Chicago, IL 60604
(312) 692-1540

**PENSION
AND
WELFARE
FUNDS**

**LABORERS' PENSION FUND and
HEALTH and WELFARE DEPARTMENT
of the CONSTRUCTION and GENERAL
LABORERS' DISTRICT COUNCIL of
CHICAGO and VICINITY**

11465 CERMAK ROAD
WESTCHESTER, IL 60154
Main # (708) 562-0200 Ext. 218

CHICAGO OFFICE
111 W. JACKSON BLVD., SUITE 1415
CHICAGO, IL 60604-3868
OFFICE: (312) 692-1540
FAX: (312) 692-1489

BOARD OF TRUSTEES

ADMINISTRATOR
JAMES S. JORGENSEN

SECRETARY
ALAN ESCHE

April 24, 2008

FILE COPY

PENSION FUND

FOR LABOR
JOSEPH COCONATO
JAMES P. CONNOLLY
J. MICHAEL LAZZARETTO
RICHARD SHERMAN
LARRY WRIGHT
JEFF M. ZIEMANN

The Roman Group, Inc. and
Friendship Janitorial Services, Inc.
c/o William H. Wentz, Registered Agent
184 Shuman Blvd., #250
Naperville, IL 60563

Randall L. Girton
11028 W. 167th Place
Orland Park, IL 60547

FOR EMPLOYERS
BENJAMIN D'ANDREA
ALAN ESCHE
RICHARD E. GRABOWSKI
ROBERT G. KRUG
DAVID H. LORIG
GARY LUNDSBERG

Re: *Laborers' Pension and Welfare Funds, et al. v. The Roman Group, et al.*
Case No.: 07 C 7097

Dear Messrs. Wentz and Girton:

Enclosed please find a Judgment Order entered by the Court effective April 11, 2008 entering judgment in favor of the Funds and against Defendants in the amount of \$95,240.01. In addition, the Defendants have been ordered to obtain and maintain a surety bond and to submit benefit and dues reports from the period of August 2007 forward and to submit the Company's books and records to an audit for the period of January 1, 2007 forward. Please contact me to arrange for payment of the judgment amount and to comply with the remaining portion of the Court's Order on or before Friday, May 2, 2008. Otherwise the Funds will pursue the appropriate post-judgment collection proceedings and file a Motion for Rule to Show Cause why the Defendants should not be held in contempt for failing to comply with the Court's Order.

Very truly yours,

LABORERS PENSION AND WELFARE FUNDS

Patrick T. Wallace

Patrick T. Wallace
PTW/kt
Encl.
Reply to Chicago Office

WELFARE FUND

FOR LABOR
JAMES P. CONNOLLY
MARTIN T. FLANAGAN
RICHARD KUCZKOWSKI
SCOTT PAVLIS
TIM RILEY
RICHARD SHERMAN

FOR EMPLOYERS
ALAN ESCHE
CHARLES J. GALLAGHER
RICHARD E. GRABOWSKI
DAVID H. LORIG
DENNIS P. MARTIN
TIM J. SCULLY

EMPLOYER PARTICIPANTS -

Builders' Association, Employing Plasterers' Association, Underground Contractors' Association, Mason Contractors' Association, Concrete Contractors' Association, Wrecking Contractors, Concrete Products Employers, Lake County Illinois Employers, Illinois Road Builders Association, Bridge and Highway Structural Builders; i.e. all those who employ Laborers Engaged in the Building and Construction Industry.



United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 7097	DATE	4/22/2008
CASE TITLE	Laborers' Pension Fund, et al. Vs. The Roman Group, Inc., et al.		

DOCKET ENTRY TEXT

Pursuant to minute order of 4/11/2008 entering judgment against defendants The Roman Group, Friendship Services, and Randall Girton, Enter the attached Order nunc pro tunc to 4/11/2008.

☐ [For further detail see separate order(s).]

Docketing to mail notices.

Courtroom Deputy
Initials:

rs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LABORERS' PENSION FUND, et al.,)
Plaintiffs,) **Case No. 07 C 7097**
v.) **Judge Manning**
THE ROMAN GROUP, INC., an Illinois)
corporation, FRIENDSHIP JANITORIAL)
SERVICES, INC., an Illinois corporation, and)
RANDALL L. GIRTON, individually,)
Defendants,)

ORDER

This matter, having come to be heard on Plaintiffs Motion for Entry of Default Judgment in Sum Certain and to Compel an Audit, due notice having been given, IT IS HEREBY

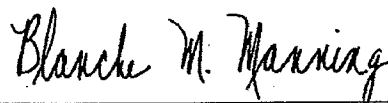
ORDERED:

1. That Defendants The Roman Group, Inc., Friendship Janitorial Services, Inc. and Randall L. Girton are in default.
2. That Judgment in Sum Certain is entered in favor of the Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen and against Defendants The Roman Group, Inc. and Friendship Janitorial Services, Inc., on Counts I and II of Plaintiffs' Complaint in the amount of \$95,240.01.
3. There is no just cause for delay and Judgment is entered on Counts I and II of Plaintiffs Complaint pursuant to Fed. R. Civ. P. 54(b).
4. Defendants The Roman Group, Inc. and Friendship Janitorial Services, Inc. are ordered to pay post judgment interest at the statutory rate in all amounts due from the date of judgment until the judgment is satisfied.

5. Defendants are ordered to obtain and maintain a surety bond in accordance with the terms of the Agreement.

6. Defendants are ordered to submit and pay the Companies' current benefit and dues reports for the period of August 2007 forward and to submit the Companies' books and records to an audit for the period of January 1, 2007 forward. This case remains pending. Thus, the Court has jurisdiction to enter further judgment in sum certain on Counts III through VII of Plaintiffs' Complaint upon completion of the audit.

ENTER:



The Honorable Blanche M. Manning
United States District Court Judge

Dated: April 11, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that he caused copies of the foregoing Motion for Rule to Show Cause to be served upon the following persons via U.S. Mail this 15th day of May 2008.

The Roman Group, Inc.
and Friendship Janitorial Services, Inc.
c/o William H. Wentz, Registered Agent
184 Shuman Blvd., #250
Naperville, IL 60563

Randall L. Girton
11028 W. 167th Place
Orland Park, IL 60547

/s/ Patrick T. Wallace